

OPINION
55-32

August 26, 1955 (OPINION)

COUNTIES

RE: Authority to Erect Bridge in City

Your request for an official opinion from this office is hereby acknowledged. You have asked whether or not under Chapter 24-08 of the North Dakota Revised Code of 1943, the county may construct a bridge within the corporate limits of the city of Jamestown in view of the requirement in section 24-0501 of the 1953 Supplement to the North Dakota Revised Code of 1943, that twenty percent of the proceeds of the tax levied for highway purposes on property within the city, be turned over to the city.

It is the opinion of this office that Stutsman County may pay for the expense of constructing a bridge in Jamestown if the board of county commissioners have been petitioned to do so and have approved such petition.

It is further the opinion of this office that nothing in section 24-0501 of the 1953 Supplement to the North Dakota Revised Code of 1943 nor the remainder of chapter 24-05, prevents the expenditure of county road funds for the construction of bridges within a city in such county.

We do not hold that the board of county commissioners may not reject a petition under section 24-0801 on the grounds that approval and assistance from the county are not necessary in view of the availability to the city of funds for such purposes under section 24-0501.

LESLIE R. BURGUM

Attorney General